

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



July 21, 1992

ALL COUNTY INFORMATION NOTICE

I-35-92

TO: ALL COUNTY WELFARE DIRECTORS

Reason for this Transmittal

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | State Law Change |
| <input type="checkbox"/> | Federal Law Change |
| <input type="checkbox"/> | Court Order or Settlement Agreement |
| <input checked="" type="checkbox"/> | Clarification Requested by One or More Counties |
| <input type="checkbox"/> | Initiated by SDSS |

SUBJECT: EXPIRATION OF 5-YEAR MORATORIUM ON FEDERALLY FINANCED PUBLIC ASSISTANCE FOR IRCA ALIENS - IMPACT ON ELIGIBILITY FOR THE FOOD STAMP PROGRAM

REFERENCE: ALL COUNTY INFORMATION NOTICE NO. I-08-92 (AFDC and Food Stamps) dated February 19, 1992

This is to advise County Welfare Departments of a clarification relative to the information which was provided in the above referenced All County Information Notice (ACIN).

The ACIN (Page 4, third paragraph) indicated that "... if the alien refuses to cooperate (out of fear of jeopardizing his/her immigration status or for some other reason) he/she is still considered an ineligible alien and the income and resources of that person are handled per Manual of Policies and Procedures (MPP) 63-503.442."

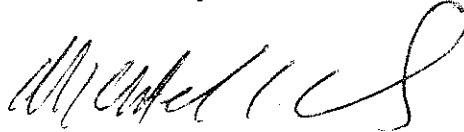
Information provided by the Food and Nutrition Service indicates that currently ineligible Immigration Reform and Control Act (IRCA) aliens would maintain their excluded member status only when it cannot be determined that the alien has attained permanent residence status and the alien refuses to provide the verification. However, if permanent residence status is established and the alien, as an eligible household member, refuses to cooperate in providing necessary household information, the entire household would be ineligible in accordance with MPP 63-505.12.

In addition, when IRCA aliens acquire permanent residence status, any members of their households admitted under the Family Unity Provisions, Section 301(d) of Public Law (P.L.) 101-649, also will be entitled to have their Food Stamp eligibility considered.

The Family Unity Provisions were enacted on behalf of the families of these aliens and special agricultural workers who are not able to immigrate legally based on their situation. Section 301(d) of P.L. 101-649 provides that family members approved under the Family Unity Provisions shall be ineligible for public welfare assistance in the same manner and for the same period that the IRCA alien in the family is ineligible for such assistance. However, when the IRCA alien becomes eligible for the Food Stamp Program, his/her family members granted legal alien status under the Family Unity Provisions would be included within the IRCA alien's household for determining Food Stamp eligibility and benefits.

These family members will be identified by an I-797 (Notice of Action) which indicates approval of application for voluntary departure under the Family Unity Program. Applications are usually approved for a period of two years.

If you have any questions, please contact Nancy Yee of the Food Stamp Program Bureau at (916) 654-1065.



MICHAEL C. GENEST
Deputy Director
Welfare Programs Division